

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 2009-493 JCH

RALPH L. EAGLER,

Defendant.

ORDER FOR EVALUATION OF MENTAL COMPETENCY

THIS MATTER having come before the Court on defense counsel's Unopposed Motion for a Local Determination of Competency pursuant to 18 U.S.C. § 4241, and the Court being fully advised in the premises;

IT IS THEREFORE ORDERED that, at the earliest practicable time, the U.S. District Court Clerk shall schedule a local competency evaluation of Mr. Eagler by a qualified psychologist or psychiatrist. The parties have agreed that forensic psychiatrist Dr. Patricia L. Kelly, M.D., (505) 243.3921, shall evaluate Mr. Eagler and promptly shall file a report with the Court responding to the following questions.

1. Does Mr. Eagler now have a rational as well as a factual understanding of the charges against him?
2. Does Mr. Eagler now have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding?
3. If Mr. Eagler does not presently have a rational or factual understanding of the charges or presently does not have sufficient ability to consult with his lawyer with

a reasonable degree of rational understanding, then is there a substantial probability that he will attain these capacities in the foreseeable future?

Further proceedings in this case are postponed until the report is received and a competency hearing is convened. Pursuant to 18 U.S.C. § 3161(h)(1)(A) the period of time from the filing of the Defendant's Unopposed Motion for a Local Determination of Competency to the entry of an order finding Mr. Eagler competent is EXCLUDED for purposes of calculating this Defendant's right to a speedy grand jury presentation and indictment.

IT IS FURTHER ORDERED that, pursuant to Rule 12.2(c) of the Federal Rules of Criminal Procedure, neither any statement made by the Defendant in the course of this examination, nor testimony by the expert based upon such statement, and no other fruits of the statement shall be admitted in evidence against the Defendant in any criminal proceeding except on an issue respecting mental condition on which the Defendant has introduced testimony.

IT IS FURTHER ORDERED that the United States District Court Clerk's Office perform all necessary steps to notify the authorized expert, forensic psychiatrist Dr. Patricia L. Kelly, M.D., (505) 243.3921, the United States Marshal's Service and such other persons or institutions as are necessary to effect the Court's order. Mr. Eagler presently is incarcerated at the Regional Correctional Center in Albuquerque.

IT IS FURTHER ORDERED that the all reports of examination and/or evaluation of Mr. Eagler be filed with the Court pursuant to section 4247(b) and (c) on or before **March 9, 2010.**

IT IS FURTHER ORDERED that the funding for all necessary psychiatric or psychological examinations and evaluations be provided by the Administrative Office of the Courts.



UNITED STATES DISTRICT COURT JUDGE

Submitted on February 9, 2010 by:

Daniel J. Tallon

DANIEL J. TALLON
Attorney for the Defendant

APPROVED:

Approved by Telephone, February 9, 2010

JENNIFER M. ROZZONI
Assistant United States Attorney